

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

NATHANIEL WITSCHONKE,	)	
BRANDON BASHAM, and	)	CASE NO.:3:16-CV-56
BEN BYNUM,	)	
	)	
Plaintiffs,	)	COMPLAINT FOR DAMAGES
	)	
v.	)	JURY TRIAL DEMANDED
	)	
COLETTE DIEDE, formerly	)	
d/b/a 6-PAQ SCUBA and	)	
6-PAQ SCUBA,LLC,	)	
	)	
Defendants.	)	

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**PLAINTIFFS' AGREED MOTION FOR EXTENSION OF DEADLINE / MOTION  
TO FILE RESPONSES TO DEFENDANTS' DISCOVERY REQUESTS OUT OF TIME**

COME NOW Plaintiffs, NATHANIEL WITSCHONKE, BRANDON BASHAM, and BEN BYNUM, and hereby requests an extension of the deadline to file their responses to Defendants' discovery, up to and including January 4, 2017. In support of this request, Plaintiffs state the following:

1. Plaintiffs, and each of them, were served with Interrogatories, Request for Production, and with the exception of Plaintiff Brandon Basham, Request for Admissions, on November 22, 2016.
2. Upon receipt of the discovery requests, counsel for Plaintiffs began preparing the responses with whatever information was readily available. However, many of the responses require input from Plaintiffs themselves.
3. Counsel for Plaintiffs submitted draft responses to Plaintiffs for input and collaboration; however, Plaintiff Nathaniel Witschonke has only returned on December 22, 2016 from being out at sea where he was unreachable for over two weeks. He has been working and continues to work diligently with counsel to provide his responses to the three sets of discovery. Plaintiff Brandon Basham is reviewing the lengthy discovery requests and likewise working diligently to provide responses. We are still awaiting responses from Benjamin Bynum.

4. Attorney Pete Lynch, who was overseeing the responses to discovery has been off island also, attending to family medical matters and related matters that have been ongoing for several weeks, and will not return until late next week or the following week. Understandably, he has to devote his time to the needs of his family, and has had limited time to focus on the eight sets of discovery served.

5. Likewise, contract staff (paralegal), was in California when the discovery requests were served and for some time thereafter, and has worked diligently on response preparation, coordination with Plaintiffs to the extent possible, and otherwise.

6. As a result, and despite best efforts (including additional recent involvement of the undersigned in this matter), counsel for Plaintiffs was unable to provide responses to the discovery by the deadline. Counsel to date has received partial responses and is still awaiting several responses from our clients.

7. Counsel for Plaintiffs attempted to contact Attorney Duensing's office on December 22 to request the extension, unsuccessfully, so sent an email to him requesting same (See Exhibit A). A response from Attorney Duensing approving the proposed extension was just received, immediately prior to the filing of this motion.

8. Counsel has been reluctant to involve this Court in discovery timing, but understands that the Court has expressed particular concern about adherence to schedule for this process – therefore, counsel feels the Court should at least be made aware.

9. In light of the foregoing, and the current holidays with attendant family and travel schedules, Plaintiffs hereby respectfully request an extension of two weeks, up to and including January 4, 2017, to respond to all discovery requests.

A proposed Order is attached hereto.

Date: December 23, 2016

Respectfully Submitted,

s/ Rafael F. Muilenburg  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing was served upon the Defendant's counsel, Matthew J. Duensing, Esq. by electronic mail to [mduensing@vilawyers.com](mailto:mduensing@vilawyers.com) and by mailing same via first class mail to the address below, postage paid, this 23<sup>rd</sup> day of December, 2016.

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s/ Rafael F. Muilenburg, Esq.